

Below is the Order of the Court.




Marc Barreca
U.S. Bankruptcy Judge

(Dated as of Entered on Docket date above)

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

In re:

HAYLEY MARIE ROBINSON,

Debtor.

Case No. 19-11724-MLB

OSCAR LEE OLIVE, IV.,

Plaintiffs,

Adversary No. 19-01105-MLB

v.

HAYLEY MARIE ROBINSON,

Defendants.

Pretrial Order

I. JURISDICTION

1. The court has jurisdiction of this adversary proceeding pursuant to 28 U.S.C. §§ 157 and 1334.
2. This is a core proceeding under 28 U.S.C. § 157(b)(2)(I).
3. Venue is property under 28 U.S.C. § 1409(a).

1 II. CLAIMS AND DEFENSES

2 1. This is an action to determine the dischargeability of a debt pursuant to 11 U.S.C. § 523(a)(6).
3 Plaintiff alleges Defendant made statements on social media that were knowingly false when made,
4 were intended to harm him, caused him to be discharged from the Marine Corps, and caused him
5 financial and emotional injuries in excess of \$1.5 million.

6 2. Defendant intends to raise the affirmative defense that any statements she made were true
7 and/or constitute opinions which are protected speech and not actionable under First Amendment to the
8 U.S. Constitution, Section 11, Article I, Section 5 of the Washington Constitution and Article 40 of the
9 Maryland Constitution.

10 III. ADMITTED FACTS

11 1. Plaintiff Oscar Lee Olive, IV. ("Plaintiff") is also known as "Lee Richardson."

12 2. Hayley Marie Robinson is also known as Ireland Rose.

13 3. In June 2016, Plaintiff paid for Defendant Robinson and her boyfriend, Kepel, to travel to
14 Suitland, Maryland to work a modeling shoot.

15 4. Plaintiff filed a certified complaint in the United States District Court for the Western District
16 of Washington at Seattle ("District Court"), case number 18-cv-00862-BAT.

17 IV. ISSUES OF LAW¹

18 The following are the issues of law to be determined by the Court.

19 1. Did statements Defendant made about Plaintiff to the police, NCIS, on social media, and
20 otherwise amount to defamation and intentional infliction of emotional distress under applicable state
21 law?

22 2. Should a judgment be entered in favor of Plaintiff against Defendant that is nondischargeable
23 under 11 U.S.C. § 523(a)(6)?
24

25 ¹ Although not set forth in any pleadings it appears the Plaintiff intends to assert issue preclusion on asserted causes of actions.

V. EXPERT WITNESSES

Neither Plaintiff nor defendant will present testimony of expert witnesses.

VI. OTHER WITNESSES

PLAINTIFF:

1. Eric Franklin 7515 Essex Ave, Springfield VA 22150-4138 (703) 869-2074. Witness is expected to testify as to his knowledge, observations, actions and communications regarding the subject matter of this litigation.

2. Caitriona Hogan 7515 Essex Ave, Springfield VA 22150-4138 (646) 925-4497). Witness is expected to testify as to her knowledge, observations, actions and communications regarding the subject matter of this litigation.

3. Plaintiff Oscar Olive, IV. Witness will testify as to his knowledge, observations, actions and communications regarding the subject matter of this litigation.

4. Hayley Marie Robinson. Witness is will testify as to her knowledge, observations, actions and communications regarding the subject matter of this litigation.

DEFENDANT:

1. Hayley Marie Robinson. c/o Steven Hathaway, Attorney, 3811 Consolidation Ave., Bellingham, WA 98227, (360) 676-0529. Witness is expected to testify as to her knowledge, observations, actions and communications regarding the subject matter of this litigation.

VII. EXHIBITS

PLAINTIFF'S EXHIBITS

Ex. #	Description	Admissibility Stipulated	Authenticity Stipulated, Admissibility Disputed	Authenticity And Admissibility Disputed
P 1	First Amended Complaint <i>Olive v. Robinson, et al.</i> Washington District Court case No. 18-cv-00862- BAT.	X		

P 2	Order on sanctions, Discovery. Washington District Court case No. 18- cv-00862-BAT.		X	
P 3	ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT <i>Olive v. Robinson, et al.</i> Washington District Court case No. 18-cv-00862- BAT (Filed October 1, 2019).		X	
P 4	Adversary Complaint (Case No. 19-01105- MLB)	X		
P 5	Defendant ROBINSON'S Answer to Adversary Complaint Case No. 19- 01105-MLB	X		
P 6	DD-214 (January 2020) Upgraded Discharge	X		
P 7	July 13, 2016 ROBINSON Facebook post video.			X
P 8	November 1, 2016 Text Message ROBINSON to OLIVE			X
P 9	November 2, 2016 ROBINSON Facebook post.			X
P 10	November 4, 2016 ROBINSON phone conversation			X
P 11	July 15, 2017 Facebook Post KLAG.			X
P 12	Documents: Damages, Medical Records			X
P 13	Documents: Loss of Business Income			X
P 14	July 10, 2020 DD-293 Application for Review of Discharge			X

DEFENDANT'S EXHIBITS

Ex. #	Description	Admissibility Stipulated	Authenticity Stipulated, Admissibility Disputed	Authenticity And Admissibility Disputed
D-1	Letter dated May 1, 2017 Notification of Discharge Proceeding.			X
D-2	Letter dated May 31, 2017 Notice of Appointment of Admin Discharge Board.			X
D-3	July 17, 2017 Administrative Discharge Board Report: Findings and Recommendations in the Case of Staff Sergeant Oscar L. Olive IV 1275292407/5512 USMC.			X
D-4	Second Endorsement on Administrative Discharge Board Report dated July 17, 2017.			X
D-5	DD-214 dated July 23, 2018.			X
D-6	DD-214 dated January 28, 2020.			X
D-7	May 15, 2017 Request for Legal Services.			X
D-8	November 21, 2019 letter advising of final decision regarding request for designation change.			X
D-9	January 24, 2018 Chronological Record of Medical Care			X
D-10	Internet profile of Lee Richardson located at https://www.picuki.com/p rofile/leerichardsonphoto .			X
D-11	June 14, 2018 complaint filed in the United States District Court for the Western District of Washington at Seattle, Case No. 18-cv-00862- BAT.		X	
D-12	March 4, 2020 complaint filed in the United States District Court for the Western District of Washington at Seattle, Case No. 20-cv-00356- JLR.		X	

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2 VIII. ACTION BY THE COURT

3 This case is schedule for trial before the Honorable Judge Marc L. Barreca on November 16,
4 2020 at 9:30 a.m. to be held by video at the United States Federal Courthouse, 700 Stewart Street
5 Courtroom 7106, Seattle, Washington 98101.

6 This order shall control the subsequent course of the action unless modified by a subsequent
7 order. This order shall not be amended except by order of the court pursuant to agreement of the parties
8 to prevent manifest injustice.

9 /// END OF ORDER ///